

**Department of Mental Health
Exceptions Committee Meeting**

September 5, 2003

Minutes

In attendance were Rosie Anderson Harper, Connie Cahalan, Jodi Frederick, Rebecca Carson, Terry Jackson, Donna Haley, Barbara Malone-Bequette as consultant and coordinator Rich Overmann.

Southern MO, Supported Living requested an exception for an employee who does not have the required high school diploma or GED. The committee noted that the requirement for the diploma or GED arises not from a licensure or certification rule but from the Medicaid manual under 13.17(B)4. For this reason the Exceptions Committee does not have authority to grant an exception but the regional center director may have the authority to grant an exception. The committee instructed the coordinator to refer the request to the appropriate regional center director.

Country Valley Home, of St. James, requested an exception from licensure requirements of a complete blood count and urinalysis under 9 CSR 40-3.115. This request was originally considered at the July meeting at which time the committee requested additional information. Specifically the committee requested the provider to submit a plan that would include the following:

- medical evaluations performed by a credentialed medical practitioner;
- the medical evaluation includes a health history and a physical exam; and
- documentation of the evaluation is adequate to indicate which, if any, laboratory tests should be conducted.

The provider submitted the additional information in a letter dated August 5, 2003. This letter provided a detailed description of the practices utilized by Dr. Huss who has served most of the residents of the home since 1990. The committee noted that the detailed medical practices were ascribed only to Dr. Huss and do not necessarily apply to other doctors who may serve some of the residents. The committee approved the exception in view of Dr. Huss's practices and stipulated, as a condition, to the exception that the same practices be followed for all of the residents and that these practices be part of the facility's policies and procedures. The committee also required that each resident evaluation be documented and that this documentation be available to the department's surveyors as part of the licensure process.

Family Counseling Center requested an exception from window requirements under 9 CSR 40-10.115 (18). This section requires a window in certain rooms used by clients in day programs. Barbara Malone-Bequette stated that the state fire marshal inspector deferred his decision to the exceptions committee. The committee noted, in part, that -

- ⇒ the facility had been approved in previous years because local fire-safety authorities had not raised this as an issue;
- ⇒ meeting the literal requirement of the rule would be expensive with little apparent benefits;
- ⇒ the external exits from the building were remote from each other and a short distance from the room in question;

- ⇒ the offices across the hall from the rooms in question have windows;
- ⇒ the stove in the kitchen was equipped with an overhead suppression system; and
- ⇒ the heating units were electric.

The committee approved the request with two conditions. (1) The facility will install a sprinkler system in the furnace rooms; and (2) the provider will implement one of the following options for fire extinguishers: (a) provide fire extinguishers in both the “group room” and the “dual group room”; or (b) provide a fire extinguisher in a central location easily available to staff in both rooms.

Marsha Murphy. The background of this request is outlined below. During the meeting on September 5, 2003 the committee decided to close the pending request without issuing a waiver. Ms. Murphy has the option of applying at any time.

- ⇒ 1994 – committed armed robbery
- ⇒ 1999 – released from prison; on parole until 8-06
- ⇒ 8-2000 Requested exception to be volunteer at Preferred Family Healthcare
- ⇒ Denied because still on parole – conflicts with ADA/Corrections agreement
- ⇒ 10-2002 Requested exception to be employee at Halliburton Hill Group Homes
- ⇒ Applicant stated that she may be released soon from parole due to good behavior
- ⇒ Not approved because of vulnerability of MRDD residents
- ⇒ Committee did not respond – left request open awaiting applicant to be released from parole.
- ⇒ March 5 – Client called. Will go before parole board in May or June
- ⇒ August 27, 2003 Coordinator received a telephone voice mail from subject who stated that she had previously requested an exception due to a felony. She said that we had “kept her case open” until this month pending receipt of information about her status. She stated that her appeal “has still not come back” and I could call her at 660-627-7416.

Septmeber 10, 2003

Janet Cline
Southern MO Supported Living, Inc.
407 Kegler
P. O. Box 9
Doniphan, MO 63935

Dear Ms. Cline:

On September 4, 2003, the Department of Mental Health Exceptions Committee reviewed your request for an exception date of August 29, 2003 for Ms. Harris. The committee noted that the requirement for the diploma or GED arises not from a licensure or certification rule but from the Medicaid manual under 13.17(B)4. For this reason the Exceptions Committee does not have authority to grant an exception but the regional center director may have the authority to grant an exception. .

If you have any questions in this matter, please contact me at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

Cc Kim Crites
Barbara Malone-Bequette

September 10, 2003

Mary V. Hutchison, R.N.
Country Valley Home
15750 CR 2430
St. James, MO 65559

Dear Ms. Hutchison:

On September 5, 2003, the Department of Mental Health Exceptions Committee reviewed your request for an exception from licensure requirements for complete blood counts and urinalysis under 9 CSR 40-3.115. The committee considered your original request and the additional information you submitted dated August 5, 2003. The committee noted that the detailed medical practices were ascribed only to Dr. Huss and do not necessarily apply to other doctors who may serve some of the residents. The committee approved the exception in view of Dr. Huss's practices and stipulated that the same practices be followed for all of the residents.

The committee approved the request with the following condition. Country Valley will establish a written policy and procedure with practice expectations for physician care that include the following.

(A) Each resident is evaluated at least quarterly by a physician.

(B) The evaluation includes -

1. a personal visit and conversation;
2. a physical assessment;
3. a review of the resident's medications related to their effectiveness and continued necessity; and
4. orders for any testing the physician deems necessary.

(C) A conversation with staff regarding changes or problems which may have developed since the physician has last seen the residents.

(D) A progress note relating to each quarterly evaluation of each resident will be prepared by the physician and made part of the medical record, and be available for review by the department's licensure and certification surveyors and community support staff.

If you have any questions in this matter, please contact me at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

Cc Barb Malone-Bequette

September 10, 2003

Nancy Blackshare, LPC
Family Counseling Center, Inc.
935 Highway VV, P. O. Box 13
Kennett, MO 63857

Dear Ms. Blackshare:

On September 5, 2003, the Department of Mental Health Exceptions Committee reviewed your request for an exception dated August 11, 2003. The request asked for a waiver of from window requirements under 9 CSR 40-10.115 (18). This section requires a window in certain rooms used by clients. The committee approved the request with two conditions. (1) Family Counseling Center facility will install a sprinkler system in each furnace rooms; and (2) Family Counseling Center will implement one of the following options for fire extinguishers: (a) provide fire extinguishers in both the "group room" and the "dual group room"; or (b) provide a fire extinguisher in a central location easily available to staff in both rooms.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

Cc – Department of Pubic Safety, Division of Fire Safety

September 10, 2003

Marshal Murphy
2206 S. Halliburton
Kirksville, MO 63501

Dear Ms. Marsha Murphy:

On September 5, 2003 the Department of Mental Health Exceptions Committee reviewed your pending request for an exception under 9 CSR 10-5.190. The committee noted that the request, with its supporting documentation is nearly a year old. The committee decided to close the request, without an approval. You have the option to reapply at any time.

If you have any questions in this matter, please give me a call at 573-751-8077.

Sincerely,

Richard H. Overmann
Exceptions Committee Coordinator

